

EXHIBIT E

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 NORFOLK DIVISION
4

5 SHOPNTOWN, LLC, 1000 S.)
6 Finley Road, Lombard,)
7 Illinois, 60148,)
8 Plaintiff,)

CERTIFIED COPY

9 v.) CIVIL ACTION NO.

10 LANDMARK MEDIA ENTERPRISES,) 2:08cv564

11 LLC, 150 W. Brambleton)
12 Avenue, Norfolk, Virginia,)
13 23510)
14 Defendant.)

15
16 30(b)(6) DEPOSITION UPON ORAL EXAMINATION
17 OF TERRENCE SLATTERY

18 TAKEN ON BEHALF OF THE PLAINTIFF

19 Norfolk, Virginia

20 July 21, 2009

21
22 TAYLOE ASSOCIATES, INC.

23 Registered Professional Reporters

24 Telephone: (757) 461-1984

25 Norfolk, Virginia

<p style="text-align: right;">Page 118</p> <p>1 caveat -- thank very much, Madam Court Reporter, for 2 the reminder -- I don't have any other questions. 3 EXAMINATION 4 BY MR. LEVIN: 5 Q. I just -- have just a few. Mr. Slattery, 6 you testified generally about apartment communities, 7 and I just want to make sure we understand what -- 8 what you mean by a community. For example, is a -- a 9 single apartment building that has 300 units, is that 10 one community? 11 A. That is one community in our -- in our 12 vernacular, yes. 13 Q. All right. And in your vernacular, if 14 there is a series of Garden apartments for example 15 that are constituted by eight buildings, 20 units in 16 each building, is that a single community? 17 A. If it's managed by a single entity, yes. 18 Q. And when you refer to community, do you 19 also use the term to refer to the -- you know, the 20 smaller landlords, for example a -- an individual who 21 owns a duplex and wants to rent out the bottom floor 22 of the duplex? Is that one community, or do you even 23 use the term to refer to them as a community? 24 MR. STERN: Objection. 25 THE WITNESS: We don't -- we</p>	<p style="text-align: right;">Page 120</p> <p>1 all the permits that are pulled for the multi-family 2 space. We know it -- it takes, you know, a year to 3 build a property. It's not built overnight so we 4 know exactly every stage of the process and we're out 5 on the site talking to the management company prior to 6 the building being built, so if we have to wait until 7 the building is built and they find us on our Web site 8 we've done a very poor job with our 350 sales folks. 9 So to answer your question, I don't know if it could 10 happen. I would certainly hope it never had happened 11 because we haven't missed that opportunity. 12 Q. So how would this hundred unit community 13 generate a listing on ForRent.com? 14 A. An account executive would go to the 15 management company and/or site, sit down with the 16 manager, talk about their various advertising needs, 17 which are usually vast when you're building a brand 18 new building, and we would hopefully sell them a 19 package of -- of Internet print and anything else we 20 have, and the account executive would then build the 21 ad and build the package for them and put them 22 on-line, and sometimes that will include having to go 23 out and take photographs of the building, which we do. 24 It would include video in the building if they choose 25 a video package, which we do, connecting all the phone</p>
<p style="text-align: right;">Page 119</p> <p>1 don't -- I mean, that would -- if it's a duplex we 2 refer to it as a duplex. If it's a condo, we refer 3 to it as a condo. Anything less than -- than the 4 aforementioned, you know, hundred unit plus, we 5 describe almost as it is. If it's a 20-unit building, 6 we describe it as a 20-unit building because that's -- 7 that's irrelevant to our advertising. 8 BY MR. LEVIN: 9 Q. Now, let's talk about the communities 10 that are 100 units or -- or greater. If -- if a new 11 community of 100 units or greater wanted to initiate 12 listings with ForRent.com, could that community 13 initiate listings through the Web site? 14 A. Could they set themselves up through the 15 Web site? 16 Q. Yes. 17 A. I don't think physically they -- I don't 18 think physically they could. They could go to place 19 an ad, but I don't think it would -- I don't know the 20 answer to that. It -- it doesn't happen that way, and 21 the reason it doesn't happen that way, and -- and I'm 22 stumped by the question is, when you're building an 23 apartment community of a hundred units of greater, we 24 know about it. It's not a small house that's 25 built. There is a permit pulled. We -- we know</p>	<p style="text-align: right;">Page 121</p> <p>1 lines, which we do, manually. 2 Q. And once that listing is up, if this -- 3 if this same 100-unit community wants to make a 4 change, how does that happen? 5 MR. STERN: Objection. 6 THE WITNESS: The majority of the 7 changes as we discussed, are done in the books. 8 They have to be done through graphic service order. 9 All of them in the books have to be done through a 10 graphic service order. The account executives in 11 For Rent Media Solutions, 350 people plus our customer 12 service reps, are tasked with seeing their apartment 13 communities, their -- their customer base, on a 14 monthly basis, physically going to the asset, 15 sitting down with the manager or the local person, and 16 talking about their program, sharing results for that 17 month, getting any changes that they need and 18 hopefully upselling them some more advertising if the 19 need is -- becomes apparent, and then they go back to 20 the office and they make the ad changes and they make 21 the on-line changes through our administrative and 22 customer service people or by themselves, depending on 23 the size of the market. 24 BY MR. LEVIN: 25 Q. When you say by themselves, you mean by</p>

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1 themselves meaning a -- a ForRent.com employee?	1 A. No.
2 A. Right, by -- the account executive is	2 Q. Okay. But as far as you know, there is
3 what I meant. By themselves they can make the changes	3 only one management console on ForRent.com?
4 as well.	4 A. Yes.
5 Q. And I think you mentioned that they	5 MR. STERN: Okay. No further questions.
6 can -- they can log onto the system using credentials.	6 MR. LEVIN: None.
7 A. Yes. There is -- there is different	7 THE VIDEOGRAPHER: There being no further
8 levels of -- of city -- you know, a city can -- can	8 questions, this concludes the videotape deposition of
9 log in under their -- the group settings of their	9 Terry Slattery. A total of four tapes were used, and
10 customer base, but they also have the individual	10 we're going off the record at 4:07 p.m.
11 log-ins -- excuse me -- of each customer so they can	11 (The deposition was concluded at
12 go in and make the changes.	12 4:07 p.m.)
13 Q. So a -- a ForRent.com employee can log	13
14 in using the credentials of the customer itself?	14
15 A. Yes.	15
16 MR. LEVIN: No further questions.	16
17 MR. STERN: Just a -- a few questions.	17
18 THE VIDEOGRAPHER: Excuse me real quick.	18
19 I have five minutes left.	19
20 MR. STERN: Okay. It will be less than	20
21 that.	21
22 EXAMINATION	22
23 BY MR. STERN:	23
24 Q. You were asked a couple of questions	24
25 about the process that can happen if somebody wants	25

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1 to make a change to an existing listing, and I just	1 CERTIFICATE
2 want to make clear that even in those hundred unit	2
3 or above buildings -- unit and above buildings,	3 I, the undersigned, TERRENCE SLATTERY,
4 regardless of whether or not it is actually done	4 do hereby certify that I have read the foregoing
5 these customers could log onto the management console	5 deposition and that, to the best of my knowledge, said
6 and make changes, correct?	6 deposition is true and accurate (with the exception of
7 A. Yes, they could.	7 the following corrections listed below:)
8 Q. Okay. I also want to direct your	8 Page Line Correction
9 attention real quick to I think it's Exhibit 77,	9
10 which is the For Rent Magazine City Office Guide --	10
11 A. Yes.	11
12 Q. -- which you said was an internal guide	12
13 that was given to For Rent Media Solutions people to	13
14 update and change listings, right?	14
15 A. To the best of my recollection, yes.	15
16 Q. And if you turn to page three, it says --	16
17 under frequently asked questions it says what is	17
18 the management console? The management console is	18
19 ForRent.com's online tool that allows properties to	19
20 make changes to their on-line listing. Does this	20
21 refresh your recollection as to whether or not the	21
22 management console that somebody using place an ad	22
23 can access, whether or not that's the same as	23
24 whether -- a ForRent.com person going back to the	24
25 office can access?	25